
**UPPER MISSISSIPPI RIVER RESTORATION
FEASIBILITY REPORT
PIASA & EAGLE'S NEST ISLANDS
HABITAT REHABILITATION AND ENHANCEMENT PROJECT**

**APPENDIX M
REAL ESTATE PLAN**

1. PURPOSE

This report is tentative in nature, focuses on the Tentatively Selected Plan (TSP), and is to be used for planning purposes only. There may be modifications to the plans that occur during Preconstruction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land cost. This Real Estate Plan (REP) is intended to support the Feasibility Report for the Upper Mississippi River Restoration (UMRR) Piasa & Eagle's Nest Islands Habitat Rehabilitation and Enhancement Project. The Illinois Department of Natural Resources (ILDNR) is the Non-Federal Sponsor (NFS) for the project. This REP identifies Lands, Easements, and Rights-of-Way (LER) necessary to complete the project. There are no previous REP's for this project.

The Piasa and Eagle's Nest Islands Habitat Rehabilitation and Enhancement Project (Project) is approximately 1,350 acres of island, side channel, and backwater habitats located on the left descending bank of the Mississippi River, upstream of the city of Alton, Illinois in Madison and Jersey counties (Figure 1-1) between river miles (RM) 207.5 and 211.5. The Project lies within Pool 26, a 40-mile reach of the Upper Mississippi River System (UMRS), beginning below Lock and Dam 25 (RM 241.4) near Cap au Gris, Missouri, and ending at Melvin Price Locks and Dam (RM 200.8) at Alton, Illinois. The Project encompasses Piasa Island and Eagle's Nest Island including Piasa Chute (the side channel between Piasa Island and the Illinois bankline), and the unnamed chute between Piasa Island and Eagle's Nest Island. See Exhibit A for project location.

All Project restoration measures and activities are located on federally managed lands and waters and as such, the project first cost will be 100% federal. Currently USACE and USFWS are in the process of adding the project area to the General Plan Lands Agreement between the USACE and the USFWS, subsequently to the Cooperative Agreement For Management of USACE General Plan Lands between the USFWS and IDNR (Appendix A, Authorization and Agreements). Per these agreements the Illinois Department of Natural Resources (IDNR) will manage the lands and waters as a national wildlife refuge to enhance fish and wildlife. Responsibility for the operation, maintenance, rehabilitation, replacement, and repair of the Project would be the responsibility of IDNR.

Lands (i.e., the islands) of the Project are managed by the St. Louis Corps of Engineers' Rivers Project Office, some in partnership with the Illinois Department of Natural Resources (ILDNR). The Corps is conducting forestry monitoring and management as well as conducting other wildlife surveys (e.g., bat surveys) as needed. ILDNR provides management associated with fish and migratory wildlife.

The Project objectives include: restoring depth (> 8 feet) and increasing velocity over existing conditions to improve sediment transport and geomorphic processes within Piasa Chute; increasing the depth and connectivity between the Piasa Backwater and the Mississippi River, as measured by acres of deep water habitat (> 5 feet) and number of days connected; and increasing the areal coverage of islands, as measured in acres.

The project is located in and around islands in the Mississippi River. All access will be by water. River access can be obtained from the Piasa Harbor boat ramp near RM 210 on the Illinois bank. It is likely that heavy material such as riprap or bedding stones will be transported by river from boat ramps closer to the quarries.

The recommended plan includes a 200-ft wide braided channel excavation of Piasa Chute, excavation of the entrance of Piasa Island Backwater, construction of notched rock structure between Piasa and Eagle's Nest Islands, and construction of islands using excavated material with stone protection.

2. LANDS, EASEMENTS, AND RIGHTS-OF-WAY (LER)

The recommended plan will take place on federally managed lands and in areas under Navigational Servitude. The plan also includes utilizing federally-owned lands for river access to reach the islands. Approximately 444.5 acres of Federally-owned fee title lands will be utilized for this project (Tracts J-1, J-2, J-3, and J-7). As the interests needed are available to the Government, no acquisition is required.

3. NON-FEDERAL SPONSOR-OWNED LER

The Non-Federal Sponsor, Illinois Department of Natural Resources, will manage the area for wildlife through the GP Lands agreement once that is put into place. The IDNR will be responsible for future Operation and Maintenance costs for this project's features.

4. NON STANDARD ESTATES

No Non Standard Estates are required for the project.

5. EXISTING FEDERAL PROJECTS

The Piasa & Eagle's Nest Project is within the area of responsibility of the USACE, St. Louis District, Rivers Project Office. The Habitat Rehabilitation and Enhancement Project will not affect Navigation and will have positive environmental effects.

6. FEDERALLY-OWNED LANDS

Approximately 444.5 acres of Federally-owned fee title lands will be utilized for this project (Tracts J-1, J-2, J-3, and J-7). The Rivers Project Office, which manages federal lands along the Mississippi River for the St. Louis District, has a favorable view towards this project. There have been no issues raised by the requirement for this land.

7. NAVIGATION SERVITUDE

The environmental conditions addressed by this project were ultimately caused by navigation; pursuant to the 1930 Rivers and Harbors Act (9' Channel Project). Navigational Servitude would therefore apply to those lands (required for this project) that fall below the ordinary high water mark. This includes submerged rock placement and dredging activities. All placement materials will be from dredged material below the ordinary high water mark. A Navigation Chart is provided as Exhibit C indicating the channel location and river training structures.

8. MAPPING

See Exhibit A.

9. INDUCED FLOODING

There will be no induced flooding as part of this project.

10. BASELINE COST ESTIMATE

The land for this project is Federally-owned and managed by USACE, there is no cost estimate required.

11. RELOCATION ASSISTANCE BENEFITS

No persons, farms, or businesses will be displaced as part of this project.

12. MINERAL ACTIVITY

There are no known present or anticipated mineral activity or timber harvesting in the project area.

13. NON-FEDERAL SPONSOR ASSESSMENT

The Illinois Department of Natural Resources is the Non-Federal Sponsor for this project. The NFS however is not required to make any acquisitions for this project. An assessment is not necessary but has been included as Exhibit D.

14. ZONING

There will be no zoning ordinances enacted to facilitate acquisition of land for this project.

15. SCHEDULE

Normally a period of one year is allowed for the sponsor to acquire Right-of-Way (ROW) after receipt of the final ROW limits from the Real Estate Division. This one year period does not include land which may have to be condemned. No acquisitions are anticipated for this project, therefore an acquisition schedule is unnecessary.

16. FACILITY OR UTILITY RELOCATIONS

No facility or utility relocations are anticipated as part of this project.

17. HTRW

A Phase 1 Environmental Site Assessment has been conducted. There are no known areas of contamination within the project boundaries.

18. LANDOWNER ATTITUDE

There is no known landowner opposition to this project.

19. NOTIFICATION TO THE NON-FEDERAL SPONSOR REGARDING THE RISKS ASSOCIATED WITH LAND ACQUISITION BEFORE EXECUTION OF THE PROJECT PARTNERSHIP AGREEMENT (PPA)

The sponsor does not intend to acquire any real estate.

20. OTHER RELEVANT REAL ESTATE ISSUES

The distance between these islands and the bank is such that access by water is required.

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James T. Lovelace
Realty Specialist
St. Louis District - MVS



Jaclyn C. Wittenborn
Chief, Real Estate
St. Louis District - MVS

Exhibit A – PROJECT LOCATION

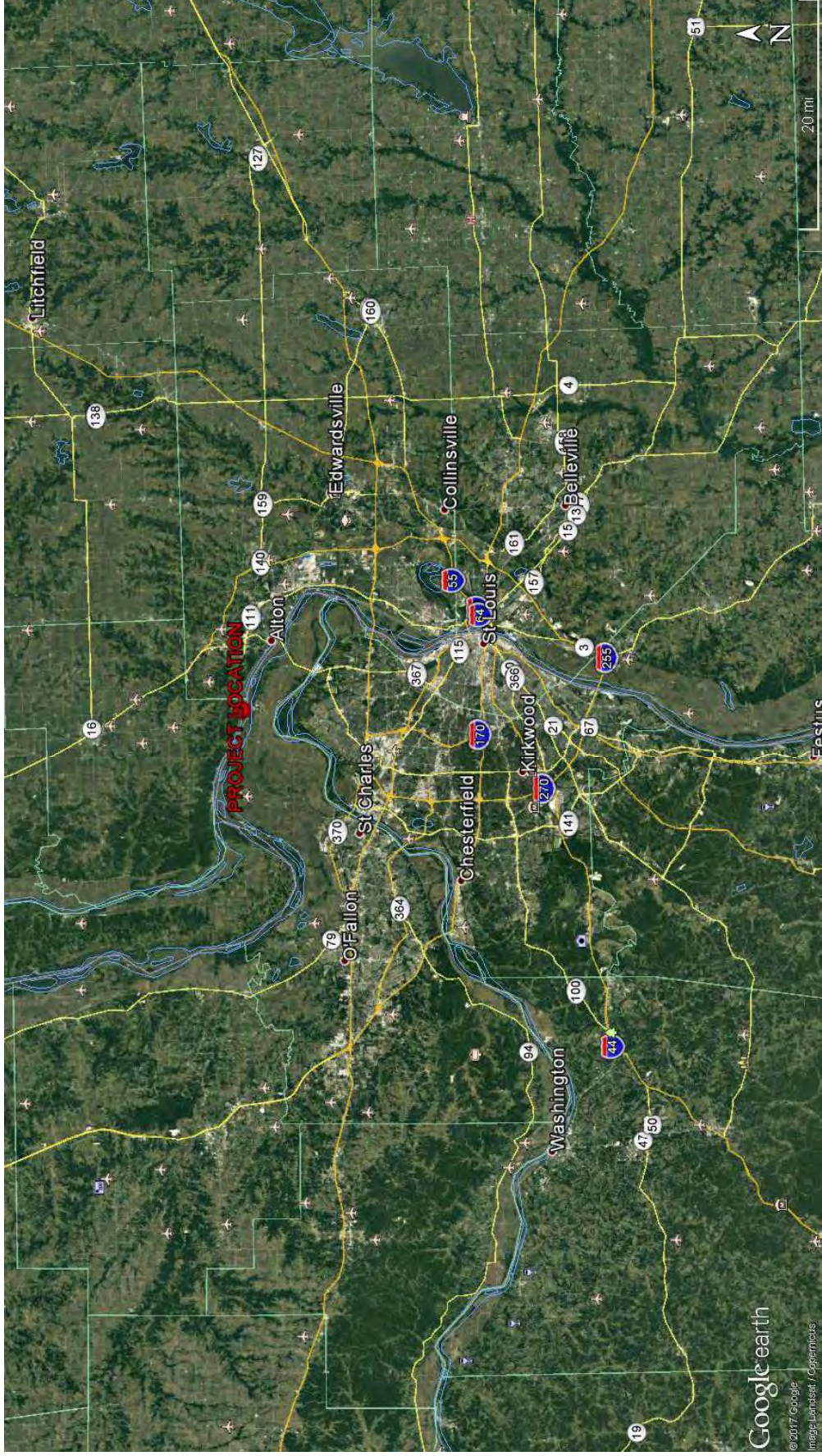


Exhibit B – TENTATIVELY SELECTED PLAN

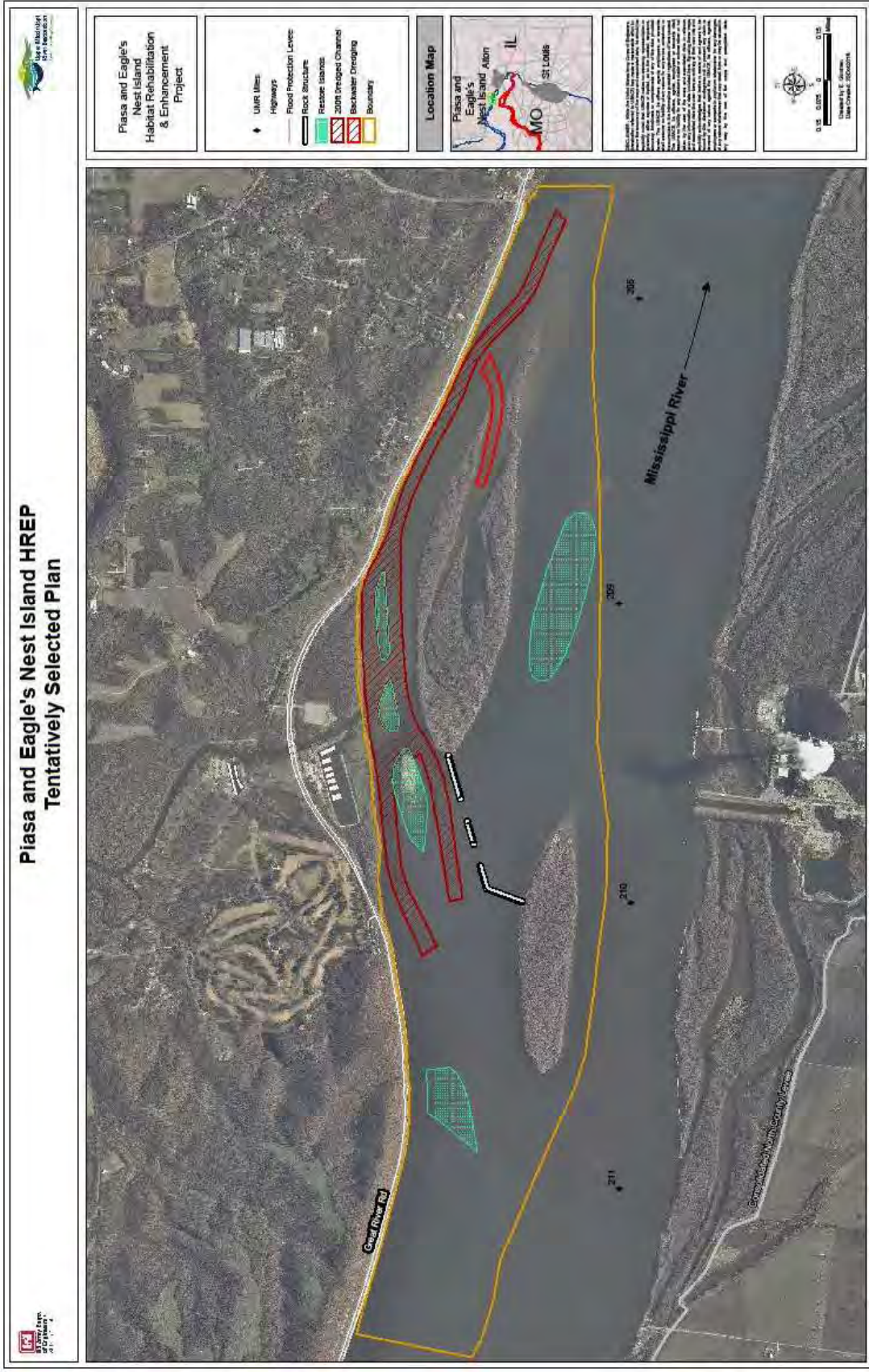


Exhibit C – NAVIGATION CHART OF THE UPPER MISSISSIPPI RIVER

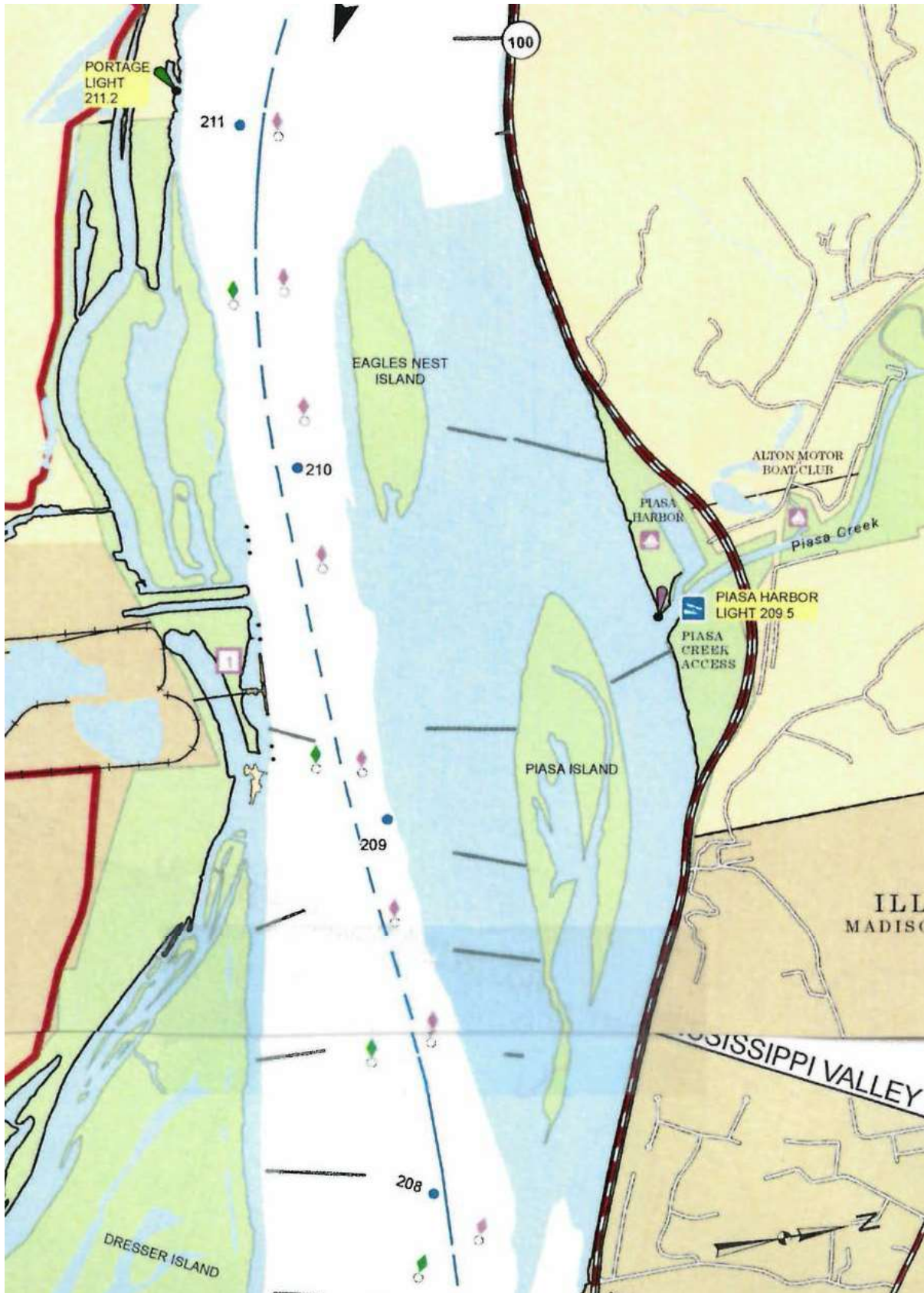


Exhibit D – NON FEDERAL SPONSOR ASSESSMENT

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

State of Illinois Department of Natural Resources

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **Yes**
- b. Does the sponsor have the power of eminent domain for this project? **Yes**
- c. Does the sponsor have "quick-take" authority for this project? **Yes**
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **No**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **No**

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **No**
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? _____
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **Yes**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? **Yes**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **Yes**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **No**
- g.

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **Yes**
- b. Has the sponsor approved the project/real estate schedule/milestones?

At this stage, a definitive project schedule has not been developed. Once project designs are finalized, the sponsor will be requested to provide an acquisition schedule.

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? **Yes**
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable.

Fully Capable

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **Yes**
- b. Does the sponsor concur with this assessment? **Yes**

Prepared by:



James T. Lovelace
Realty Specialist
St. Louis District - MVS

Approved by:



Jacki Wittenborn
Chief, Real Estate Division
St. Louis District - MVS